



NEWS

Judicial Council of California
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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF AUGUST 27, 2001

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#01-105 Olszewski v. ScrippsHealth, S098409. (D034197; 88 Cal.App.4th 1268.) Petition for review after the Court of Appeal modified and affirmed the judgment in a civil action. This case concerns (1) whether Welfare and Institutions Code section 14124.791, which permits a healthcare provider that has provided services to a Medi-Cal patient to impose a lien upon a judgment obtained by the patient from a third party tortfeasor, is preempted by federal law, and, if so, (2) whether such a patient can maintain an action against a healthcare provider for violation of the Unfair Competition Law (Bus. & Prof. Code, § 17200 et seq.) based upon the provider's imposition of such a lien before the statute had been held invalid.

#01-106 Smith v. Rae-Venter Law Group, S098760. (H018775; 89 Cal.App.4th 239.) Petition for review after the Court of Appeal affirmed an order in a civil action. This case includes the issue of whether attorney fees should be awarded under Labor Code section 98.2 against an employee who does not obtain an increased recovery on de novo appeal of an administrative wage award by the Labor Commissioner.

DISPOSITIONS

#99-27 People v. Montes, S075759, was transferred to the Court of Appeal for reconsideration in light of People v. Murphy, 25 Cal.4th 136.

(over)

#00-117 People v. Walsh, S089558, was dismissed and remanded to the Court of Appeal.

STATUS

#99-132 People v. Davis, S079736. In this case, in which briefing was previously deferred pending decision in People v. Falsetta, S071521 (#98-107), and People v. Murphy, S075263 (#99-28), the court ordered briefing deferred pending decision in People v. Acosta, S089120 (#00-104) and People v. Cornelius, S068743 (#00-94), which present issues concerning the propriety of sentencing under both the one strike law (Pen. Code, § 667.61) and the three strikes law (Pen. Code, §§ 667, subds. (b)-(i), 1170.12).

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